

GUARDIAN AND CONSERVATOR

For an Adult

3

**OR a person at least 17.5 years old,
to *become effective* at age 18**

Part 3: Preparing for and Attending the Court Hearing

(Instructions Only)

SELF-SERVICE CENTER

GUARDIANSHIP and CONSERVATORSHIP

**GET A PERMANENT APPOINTMENT FOR AN ADULT
or a person at least 17.5 years old *to become effective at age 18***

PART 3: PREPARING FOR AND ATTENDING THE COURT HEARING

(Instructions Only)

This packet contains court instructions and information to prepare for attending the court hearing regarding appointment of a permanent guardian and conservator for an adult, or for a person at least 17.5 years of age to become effective at age 18. Items in **BOLD** are forms that you will need to file with the Court. Non-bold items are instructions or procedures. Do not copy or file those pages!

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IMPORTANT NOTICE

TRAINING REQUIREMENTS

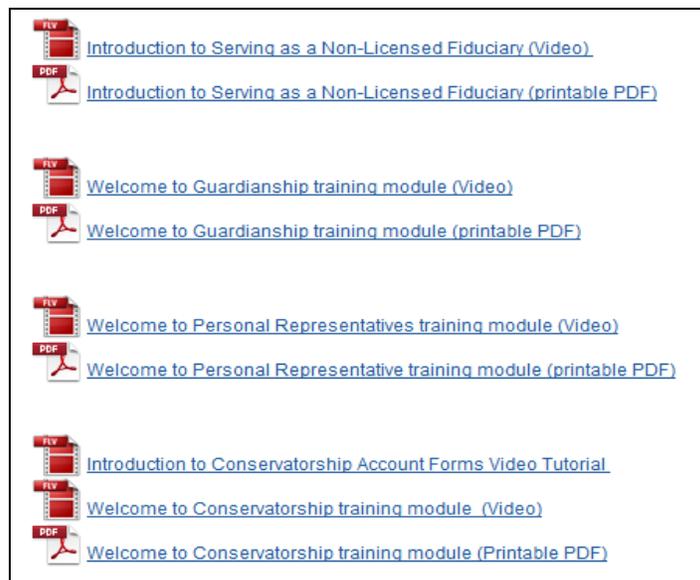
Effective September 1, 2012

The Arizona Supreme Court requires that any person who is not a state-licensed fiduciary (or a financial institution) must complete a training program approved by the Supreme Court **before** Letters of Appointment to serve as a guardian, conservator, or personal representative can be issued by the Clerk of the Court, or within 30 days of a temporary or emergency appointment.

TRAINING SHOULD BE COMPLETED BEFORE THE COURT HEARING
Additional time may be granted for good reason.

You may access and complete the training FREE online at:
www.azcourts.gov/probate/Training.aspx

Go to the section for “**Non-licensed Fiduciaries**” and click on the link to access a narrated slide-show presentation of the materials applicable to your situation.



You may also pick up a printout of the training materials in English or *Spanish* from the Self-Service Center. **AFTER** reviewing the materials, you will need to inform the Court that you have completed the training by filing either the Certificate available at the end of the online training, or the Declaration of Completion form available from the Self-Service Center. If you have questions about the training, contact the Probate Clerk at 602-506-3668.

SELF-SERVICE CENTER

**PROCEDURES: PREPARING FOR AND ATTENDING
THE COURT HEARING for GUARDIANSHIP and CONSERVATORSHIP
for an ADULT**

or a person at least 17.5 to become effective at 18

STEP 1 DOCUMENTS TO PREPARE BEFORE THE COURT HEARING:

A. HEALTH PROFESSIONAL'S REPORT: IF a physician, registered nurse, or psychologist was appointed to examine the proposed protected person, the examiner should have received the "GUIDELINES FOR HEALTH PROFESSIONAL'S REPORT" (PBGCA15f) and prepared a report on the findings either on the form supplied with the Guidelines, or in any other format that conveys the necessary information.

After the Petitioner receives the examination report*, he or she must:

- Make at least **4 copies** of this report (keep one copy for his/her records), and
- **Mail** a copy of the written report at least **10** business days before the hearing, or hand-deliver a copy at least **5** business days before the hearing, to:
 - 1) The Judge/Commissioner who will hold the hearing;
 - 2) The attorney for the person you say needs the conservator; **AND**
 - 3) The court investigator.

* **Due to concerns about federal patient privacy regulations** some medical professionals may not be willing to turn the report over to you since your appointment as guardian and conservator is not yet final. **If this is the case, the physician or other evaluator may file the report in person or mail it to the Court** (even though the guidelines on the Report form say "Please do not file your report with the Clerk of Court").

B. ORDER TO GUARDIAN and CONSERVATOR (PBGCA80f): The person who is to serve as guardian and conservator must **READ AND SIGN** the document called **ORDER TO GUARDIAN and CONSERVATOR (PBGCA80f)**.

READ CAREFULLY! SIGNING THIS DOCUMENT INDICATES THAT YOU UNDERSTAND AND AGREE TO ACCEPT LEGAL RESPONSIBILITY FOR OBEYING THE TERMS OF THIS ORDER.

- The proposed guardian and conservator must sign this Order in the **Acknowledgement** section to indicate his/her understanding and agreement with the terms of the Order, *and then make 2 copies*. The proposed guardian and conservator should *keep one copy*.

C. ORDER OF APPOINTMENT OF PERMANENT GUARDIAN and CONSERVATOR (PBGCA81f):

- Complete the caption of the **Order**, which includes the name of the protected person (the Ward) and the case number.
- The Judge/Commissioner will fill in the rest of the Order at the hearing and sign it (the Order) if he or she agrees that a guardian and conservator should be appointed.

NOTE: Write the case number on all documents to be presented to the court!

D. OTHER DOCUMENTS FOR THE JUDGE BEFORE THE HEARING: In addition to the **3 documents** listed above, you **also** need to **mail or hand-deliver** the following:

- **NOTICE OF HEARING** (PBGC18f),
- **DECLARATION OF NOTICE PROVIDED** (PBGC29f); (from packet 2, “Service of Notice”) and
- **WAIVER OF NOTICE** (PBGC19f) (*if applicable*)

Mail or hand-deliver the original *and one copy* of the documents listed in A, B, C, and D above to the Judicial Officer who will conduct the hearing. **If mailing**, it is recommended that you post them **10** full days before the hearing. If delivering in person, do so at least **5 business days** before the hearing.

STEP 2 (Optional) **REQUEST A COURT REPORTER AND/OR INTERPRETER:** If you or the person to be protected, the ward, need an interpreter or a court reporter (someone **you** may hire to make a written record of every word of the hearing), you must inform the staff of the judicial officer who will conduct the hearing, preferably at least **10** days before the hearing but *no later than 2* days before the hearing.

NOTICE: Effective September 1, 2012, The Arizona Supreme Court requires that every person who is to serve as a conservator, guardian, or personal representative [executor] of an estate who is not a state-licensed, professional fiduciary must complete a training program approved by the Supreme Court **before Letters of Appointment** can be issued by the Clerk of the Court.

Training should be completed *and a statement that the training has been completed* should be brought to (or filed before) the hearing, though additional time to complete the training may be requested for good reason.

If you completed the (English-only) *online* training, you may either print the “**Certificate**” that appears at the end of each online program **or** submit the “**Declaration of Completion**” form included in this packet and which is also included with the Self-Service Center’s printed or online training materials, which are available in both English and Spanish.

See the “**Notice Regarding Training Requirements**” (PBT10i) in this packet for additional information.

STEP 3 BRING THESE DOCUMENTS TO THE COURT HEARING:

These documents will be filed if the Judicial Officer (Judge or Commissioner) grants the conservatorship. Make at least **2 copies** to bring with you to the hearing.

- **ORDER OF APPOINTMENT** (PBGCA81f)
- **ORDER TO GUARDIAN and CONSERVATOR and ACKNOWLEDGMENT** (PBGC80f)
- **LETTERS OF APPOINTMENT and ACCEPTANCE OF LETTERS** (PBGC82f).
- **DECLARATION (or “Certificate”) OF COMPLETION OF TRAINING** (PBT80f)

AT THE HEARING:

- Be prepared to testify about why you think a guardian and conservator is needed.
- Bring any witnesses you think will help to testify as well.
- Bring a copy of **everything you already filed** with the Court in this matter.

STEP 4 AFTER THE HEARING:

A. **IMMEDIATELY** after the Judge/Commissioner signs the court orders, take the following original documents to the Probate Filing Counter.

- **Order of Appointment,**
- **Order to Guardian and Conservator and Acknowledgment,**
- **Letters of Appointment,** and the
- **Declaration** (or "Certificate") **of Completion of Training** *(if not previously filed)*

Ask the Clerk to issue the **LETTERS OF APPOINTMENT**. The Clerk will stamp and file the appropriate originals and return copies back to you for your records. The appointment of the **FIDUCIARY**, the Guardian and Conservator, becomes effective when the Letters of Appointment are issued.

NOTE: The Guardian and Conservator may be referred to as "the **Fiduciary**" below.

B. **WITHIN 90 DAYS of the Letters being issued: The Fiduciary must file a:**

- **Proof of Restricted Account** (if ordered by the Court),
and, unless you were specifically ordered to NOT do so by the court, an
- **Inventory,**
- **Budget,** and
- **Sustainability Statement** (See Packet 4 for what to do **AFTER** the Hearing).

See the Arizona Supreme Court's web page for forms and instructions at <http://www.azcourts.gov/probate/ProbateForms.aspx> or check with the Self-Service Center in person or online to determine if the forms and instructions are yet available.

C. **WITHIN 1 YEAR, the Fiduciary must file:**

1. **the first "Conservator's Account,** and
2. **the first "Guardian's Report".**

The first **Account** will report on the protected person's finances from the date the Letters were issued through the last day of the ninth (9th) month after, and must be filed with the Court on or before the anniversary of the date the letters were issued. After the first year, an **Annual Accounting** covering each 12 month period after the one before must be filed on or before the anniversary date of the issuance of the **Letters**. This must be done each and every year until the *conservatorship* is terminated by court order.

The first **Guardian's Report, or "Annual Report of Guardian"** will report on the protected person's physical and mental condition from the date the **Letters** were issued through the last day of the ninth (9th) month after, and must be filed with the Court on or before the anniversary of the date the letters were issued. After the first year, an **Annual Report** covering each 12 month period after the preceding one must be filed on or before the anniversary date of the issuance of the **Letters** each and every year until the *guardianship* is terminated by court order.

D. TIMELINE: STARTING FROM THE DATE THE LETTERS OF APPOINTMENT ARE ISSUED:

1. Within 90 Days, file the:

- **Proof of Restricted Account** (if ordered by the Court), **and**, (*unless you were specifically ordered to NOT do so by the court, file an*)
- **Inventory**,
- **Budget**, and
- **Sustainability Statement**

2. After 9 months, start preparing the first Conservator's Account and Guardian's Report covering those first 9 months.

3. No later than 12 months after the Letters were issued, file the Conservator's Account and Guardian's Report with the Court.

4. The next Account and Report, the Annual Account and the Annual Report, will cover the next 12 full months after end of the first report period, and must be filed on or before the anniversary date of the issuance of the Letters.

5. Annual Accounts must be filed **every year** until the conservatorship is terminated by court order.

Annual Reports must be filed **every year** until the guardianship is terminated by court order.

Forms for the first Conservator's Account, and the annual accountings to follow, including self-calculating spreadsheets, are available in English on the state Supreme Court's web page at: <http://www.azcourts.gov/probate/ProbateForms.aspx>, OR you may obtain printed forms and instructions from any Superior Court Self-Service Center location or online as soon as they become available.